IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.20528 of 1995

Between:

K Malsoor, S/o Latchaiah, Watchman,
Fish Farmers Development Agency, Khammam District

..... PETITIONER

AND

1 District Collector-cum-Chairman, Fish Farmers Development Agency
Khammam District.
2 Chief Executive Officer, Fish Farmers Development Agency
Khammam District
3 Director of Fisheries, Government of A.P.,
Tank Bund, Hyderabad
4 Assistant Director of Fisheries
Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass orders particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in not absorbing the petitioner as per the Proceedings of the 1st respondent in Rc.No.771/9B, dt.4-7-1993 as arbitrary, illegal and violative of Articles 14 and 21 of the Of the Constitution of India, and consequently direct the respondents to absorb the petitioner as per the Proceedings dated 4-7-1993 and grant such other relief as this Hon'ble Court may deem fit and proper (prayer is amended as per Court Order dt.25-3-2005 in WPMP No.38791/97)

Counsel for the Petitioner: M/s R.VENKATA RAMUDU &

K. JAGAN MOHAN REDDY

Counsel for the Respondents: GP FOR FISHERIES

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not absorbing the petitioner either in one of the two posts of Fishermen in Fish Farmers Development Agency, Khammam or in any clear vacancy of Fisherman under the control of the 4th respondent as arbitrary and illegal.

During the pendency of the writ petition, the very organization against which the petitioner was seeking absorption was closed down; therefore, he filed W.P.M.P.No.38791 of 1997 seeking amendment of the prayer to the following effect:

> "to pass orders particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not absorbing the petitioner as per the Proceedings of the 1st respondent in Rc.No.771/9B, dt.4-7-1993 as arbitrary, illegal and violative of Articles 14 and 21 of the Of the Constitution of India, and consequently direct the respondents to absorb the petitioner as per the Proceedings dated 4-7-1993 and grant such other relief as this Hon'ble Court may deem fit and proper".

A detailed counter affidavit and additional counter affidavit have been filed on behalf of the respondents. In the additional counter, it is asserted that there are no vacancies available in any of the agencies in the District; therefore, the case of the petitioner cannot be considered.

Learned counsel for the petitioner submits that after the closure of the Fish Farmers Development Agency, its Chief Executive Officer passed an order dated 28-2-1997 directing the petitioner to approach the District Collector, Khammam for absorption in any other district level agency and relieved him from the afternoon of 28-2-1997. Thus, having surrendered, the petitioner reported before the District Collector immediately on 1-3-1997, but no orders have been passed by the District Collector.

Be that as it may, since the learned counsel for the petitioner asserts that with regard to the persons similarly situated i.e. the persons displaced from Fish Farmers Development Agency and surrendered to the Collector, the Collector ordered for their absorption in various Governmental Departments. Learned counsel states that

the same treatment should be meted out to the petitioner and he cannot be discriminated.

In view of the above, without expressing any opinion on the merits of the case, the District Collector, Khammam (1st respondent herein) is directed to consider the feasibility of absorbing the petitioner in any other Governmental Organization or agency, if there is such provision and if the petitioner is entitled for the same, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

25-3-2005

prk

ASSISTANT REGISTRAR

/TRUE COPY/

SECTION OFFICER.

To

1 District Collector-cum-Chairman, Fish Farmers Development Agency
Khammam District.
2 Chief Executive Officer, Fish Farmers Development Agency
Khammam District
3 Director of Fisheries, Government of A.P.,
Tank Bund, Hyderabad
4 Assistant Director of Fisheries
Khammam District

5 2 CCs to Govt.Pleader for Fisheries, High Court Buildings, Hyderabad (OUT)

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